

To: DWR B160 Staff

From: Environmental Caucus, B160

Subject: Comments from Environmental Caucus

November 5, 2003

The following comments have been prepared as a follow up to the previous comments submitted by this caucus during October and to various comments submitted by individual members since the October 17 Public Advisory Committee meeting. These comments can be used as a checklist by both DWR staff and the caucus to assure that the most significant points of interest to the environmental caucus have been reviewed by DWR staff for inclusion in the December public review draft. This memo is not intended to be all inclusive of our previous remarks; it is intended mainly to reinforce the points that are of most significance to us.

1. The Investment Guide. We feel that the guide is one of the truly unique features of Bulletin 160-03 and deserves the prominent place in the Bulletin that it has had in the draft review documents. While the numbers will always be debated, we feel that you have done a good job of referencing the sources for the data with the understanding that the numbers used in the guide are a continuing work in progress throughout the state. We know from past and current experience that all segments of California's water users will respond to conservation measures when provided with the proper incentives and that these measures are the most cost effective in providing the equivalent of new water or of reducing demand.
2. Scenarios. Another one of the unique features of Bulletin 160-03 is the staff development of scenarios that portray the varying alternatives that are available to the state to meet future water needs. Showing various options that can be examined and selected by decision makers – based partly on well researched economics which we assume will be an integral part of the scenarios and responses – will provide far more information for those decision makers and the public than has been provided by previous versions of Bulletin 160. While we do not have any objection to the current discussion about reducing some of the verbiage on scenarios in the Phase 1, we encourage you to emphasize in Phase 1 the significant role that the scenarios and responses play in Bulletin 160 and the amount of work that will go into them during Phases 2 and 3.

Two further points related to scenarios:

- We feel that Scenario 4, Food Production, is inappropriate as a separate scenario. Food production is and should be incorporated into each

scenario as an integral component and is not necessary as a separate scenario. Its inclusion as a scenario confuses the role of scenarios and response packages.

- We place a high emphasis on Economic Incentives Policy as a Management Strategy. While it will require a good deal of research to determine the impact of water pricing on demand in the various user sectors, we believe that economic incentives and pricing policies can be one of the most significant drivers of efficient water usage in the state. For that reason, the inclusion of various pricing policies for water and an analysis of their affect on demand as a part of the scenarios and responses are critical to the future Phase 2 and 3 analyses. We would like to see a strong commitment made in Phase 1 to this analysis as a part of the scenarios and responses.
3. Public Trust. We feel that discussions of the Public Trust can be strengthened. Michael Warburton's suggestion that Chapter 1 include the point that the trust places affirmative duties on agencies to maintain trust assets in adequate condition and to serve protected uses for future generations of Californians is a case in point. Going further, we think the Bulletin should point out that California agencies have legal obligations to the public when they make decisions affecting public trust assets since most of the water in the state is a trust asset under the public trust doctrine. These are but two examples of how the Public Trust discussion on the plan can and should be strengthened.
  4. Environmental Justice. We have previously pointed out that this subject needs more coverage; we have not yet had the opportunity to review if there has been a response to this request. As an example, we feel that it needs to be pointed out that this is also an urban problem and that health conditions are also threatened in urban areas with aged and damaged infrastructure and where local organizations have not had fair access to public funding sources. You could also point out that present methods of collecting and aggregating data tend to average out or mask effects on particular communities in the discussion of data collection problems.
  5. Unmet Environmental Water Needs. We have previously indicated how important this subject is to our caucus and to the state of California. Bulletin 160-03 can be unique in defining and quantifying the totality of environmental water requirements; we do not believe this has previously been accomplished on a statewide basis. We urge you to leave a place marker for this subject since Ann Hayden of ED will be submitting the results of her and Spreck's work on the subject by the end of this week.
  6. State Leadership. While we are encouraged that the plan recognizes some of the leadership roles that DWR and other Resource Agencies must play in providing a sustainable water future for California, we still feel that the Plan must go further in defining the leadership role for the state agencies and must be willing to

recommend which other agencies are responsible for specific recommendations. We still see, in Chapters 1 and 6, too frequent use of the words “assist” or “assess” when we feel that stronger leadership roles for DWR must be described. We request you review the recommendations in all chapters and determine where state agencies should be called out for leadership responsibilities.

Related to the leadership subject and regional responsibilities, while we agree with the tone of the plan which shows a larger role for actions at the local levels, we want to be assured that state agencies do not abdicate their logical state wide responsibilities to the regions.

In summary, we commend DWR for its balanced treatment and consideration of all views expressed by the Public Advisory Committee members during this almost three-year process. We feel that your approach has resulted in a more comprehensive analysis of water issues and that the Bulletin will be a useful document for both state wide and regional water planners.